

**Filed 10/13/15 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2015 ND 240

State of North Dakota,

Plaintiff and Appellee

v.

Deidra Berg, a/k/a Deidra Taraba,

Defendant and Appellant

No. 20150076

Appeal from the District Court of Stark County, Southwest Judicial District,
the Honorable Dann E. Greenwood, Judge.

AFFIRMED.

Per Curiam.

Rhonda R. Ehlis, Assistant State's Attorney, 51 Third Street East, Suite 202,
Dickinson, N.D. 58601, for plaintiff and appellee; on brief.

Matthew J. Arthurs, 220 North Fourth Street, Bismarck, N.D. 58501, for
defendant and appellant; on brief.

State v. Berg

No. 20150076

Per Curiam.

[¶1] Deidra Berg appeals from a district court order for revocation of probation and amended criminal judgment sentencing her to two years of incarceration. She argues the district court abused its discretion because its two-year sentence was unreasonable since she had already served time in prison. We summarily affirm under N.D.R.App.P. 35.1(a)(4) and (7). See State v. Wardner, 2006 ND 256, ¶ 11, 725 N.W.2d 215 (quoting Davis v. State, 2001 ND 85, ¶ 11, 625 N.W.2d 855 (“Under N.D.C.C. § 12.1-32-07(6), a trial court is authorized to resentence a defendant who violates a condition of probation to any sentence that was initially available”)). See also Wardner at ¶ 27 (quoting State v. Ennis, 464 N.W.2d 378, 382 (N.D. 1990) (“[A]ppellate review of the sentence itself focuses only on whether the district court ‘acted within the limits prescribed by statute, or substantially relied on an impermissible factor.’”)).

[¶2] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
Daniel J. Crothers
Lisa Fair McEvers
Carol Ronning Kapsner